



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# FORMAL MEETING AGENDA

## BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, February 25, 2009  
9:00 AM**

Agendas are available at least 24 hours prior to each meeting in the Office of the Clerk of the Board, 301 West Jefferson, Tenth Floor, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at [http://www.maricopa.gov/Clk\\_board/Agendas.aspx](http://www.maricopa.gov/Clk_board/Agendas.aspx). One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, (602) 506-3766, Fax (602) 506-6402, TDD (602) 506-2348. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

*See the Clerk and fill out a speaker's form if you would like to address the Board regarding any matter on the agenda.*

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1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

## **BOARD OF SUPERVISORS**

4. **Pet Showcase by Maricopa County Animal Care and Control.**

## **PRESENTATION/ACTION**

### **Public Health**

5. **PRESENTATION AND ACTION TO PROVIDE LIABILITY INSURANCE TO VOLUNTEERS DURING A "DRIVE THROUGH DISPENSING DRILL"**

Presentation regarding the "Drive Through Dispensing Drill" which will be facilitated by Maricopa County Department of Public Health's Emergency Management Program (PHEM) on April 5, 2009 at Sun City Grand. This drill will require the use of 350 volunteers.

Approve the use of 350 volunteers and provide each volunteer with liability insurance in the event of a personal injury/accident or accidental damage to their vehicle during the course of the exercise. Funding for this exercise is provided by a grant from ADHS and will not affect the County's general fund. (C-86-09-053-P-00)

*Shawn Tennant, Pharmacy Programs Supervisor, PHEM*

## **STATUTORY HEARINGS**

### **Clerk of the Board**

6. **LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. **NEW LICENSE FOR ROBERTO'S AUTHENTIC MEXICAN FOOD**

Approve an application filed by Theresa June Morse for a New Series 12 Liquor License, Roberto's Authentic Mexican Food at 39510 N. Daisy Mountain Drive, Ste. D-170, Anthem, AZ 85086. (MCLL #6285) (AZ #12077878) Supervisorial District 3. (Meets P&D requirements subject to issuance of certificate of

occupancy). (C-06-09-262-L-00)

**b. NEW LICENSE FOR TONTO VERDE CLUBHOUSE**

Approve an application filed by Steven William Peterman for a New Series 12 Liquor License for Tonto Verde Clubhouse at 18401 E. El Circulo Drive, Rio Verde, AZ 85263. (MCLL #6287) (AZ #12077881) Supervisorial District 2 (C-06-09-264-L-00)

**c. SPECIAL EVENT FOR RECREATION CENTER OF SUN CITY WEST**

Approve a Special Event Liquor License Application filed by Mary V. Welch for the Recreation Center of Sun City West at 13800 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on April 18, 2009 from 5:00 p.m. to 10:00 p.m. (Supervisorial District 4) (C-06-09-297-L-00)

**d. SPECIAL EVENT FOR KNIGHTS OF COLUMBUS COUNCIL #11809**

Approve a Special Event Liquor License Application filed by Michael F. Chabak for Knights of Columbus Council # 11809 at 14818 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on March 17, 2009 from 4:30 p.m. to 9:00 p.m. (Supervisorial District 4) (C-06-09-296-L-00)

**e. PERMANENT EXTENSION OF PREMISES/PATIO FOR CLUB VIA'S LLC**

Approve an application filed by Gary Steve Villa for a Permanent Extension of Premises/Patio of a Series 07 Liquor License for Club Via's LLC at 24202 W. Highway 85, Buckeye, AZ 85326. (Supervisorial District 4) (C-06-09-298-L-00)

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Clerk of the Board**

**7. AMENDMENT TO THE 2009 MEETING SCHEDULE**

Approve an amendment to the 2009 Board of Supervisors' Meeting schedule. This action schedules a 10:00 a.m., Executive Session for October 5, 2009. This date was inadvertently omitted from the original Meeting Schedule adopted by the Board on November 6, 2008 (C-06-09-162-M-00). All other dates and times listed on the Meeting Schedule remain unchanged. Additional changes, if any, to the Meeting Schedule, will be posted separately by the Clerk of the Board in compliance with the Open Meeting Law. (C-06-09-162-M-01)

#### **Constables**

**8. APPLY AND ACCEPT GRANT FOR CONSTABLE TRAINING**

Approve the application and acceptance of grant funds from Arizona Constable Ethics, Standards & Training Board, (CESTBTG09-07), in the amount of \$15,759 for the purpose of providing annual mandatory Constable training. The grant period begins once the agreement has been signed by both parties and ends on June 1, 2009. Authorize the Chairman to sign

all documents related to these grant funds, as applicable. The grant does not allow for indirect cost recovery. The Maricopa County Department of Finance has calculated the Constables' composite indirect cost rate at 12.1%, or \$1,907. The non-recoverable indirect cost is \$1,907. Upon receipt of funds and pursuant to A.R.S. §42-17106(B), approve revenue and expenditure appropriation adjustments to the Constables (250) General Fund (100) Non-Recurring (0001) associated with the grant in the amount of \$15,759 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The applicants for this grant will be attending a training seminar conducted by the National Constables Association (NCA) and the Arizona Constables Association (ACA) in Tucson, AZ. The training sessions will cover mandatory training required by A.R.S. 22-137 (D) which includes Immigration, Homeland Security, Domestic Terrorism, Gang/Fugitive and Illegal Drug Activity. This grant will pay for lodging, per diem and registration expenses. (C-25-09-006-G-00)

**County Attorney**

**9. GRANT FUNDS FROM U.S. DEPARTMENT OF JUSTICE FOR SOUTHWEST BORDER PROSECUTION INITIATIVE PROGRAM**

Approve the acceptance of grant funds from U. S. Department of Justice, for the Southwest Border Prosecution Initiative Program in the amount of \$1,150,000. These grant funds are for the reimbursement of the County Attorney for prosecution of federally declined criminal cases. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's Office's composite indirect cost rate at 14%, or \$161,000. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$161,000.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law.

These funds are for cases that were investigated by federal law enforcement agencies, were declined for prosecution by the U.S. Attorney, and were subsequently prosecuted by the Maricopa County Attorney's Office under state law because the crimes were committed in Maricopa County. These cases have already been prosecuted and therefore there are no indirect costs to accepting this grant money. The Federal government has funded this program through September 30, 2009 under 2008 Public Law 110-161 and by 2009 continuing appropriations resolution, Public Law 110-329. (C-19-09-041-G-00)

**Sheriff**

**10. DONATIONS TO SHERIFF'S OFFICE**

Accept donations to the Sheriff's Office as follows: \$250 from Best Materials, d.b.a. Copperstate Roofing; \$400 from Edward Cessolini for a MASH unit adoption and \$400 from Kristen Fancy for a MASH unit adoption. (C-50-09-054-D-00)

**11. MONTHLY DONATION REPORT**

In accordance with County Policy A2805, accept the monthly donation report received from

Sheriff's Office for December 2008 and January 2009. Donation reports are on file in the Clerk of the Board's Office.  
(C-06-09-312-7-00)

**12. ONE-TIME ADDITION TO FLEET RED-LINED VEHICLE**

Approve a one-time addition to fleet of red-lined vehicle #11989 to be assigned to the MSCO Transportation Division. This vehicle replaces red-lined vehicle #11050, previously approved by the Board of Supervisors on May 2, 2007, (C-50-07-070-M-00) for use in Inmate Transportation, which is no longer useful and being returned, to go to auction. The annual estimated operating cost is \$5,000 to be supported through the Detention Fund (255) Inmate Transportation Division.

Approval of this one-time addition to fleet of red-lined vehicle #11989 will result in continued efficiency in the Sheriff's Transportation Division. The vehicle will be used daily to transport prisoners to and from court ordered medical appointments and court appearances. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding for replacement. (C-50-09-056-M-00)

## **TRIAL COURTS**

### **Juvenile Probation and Detention**

**13. JUVENILE PROBATION COMBINED FY 2008-09 GRANTS PACKAGE**

Approve the application for and acceptance of the FY 2008-09 grants for the Juvenile Probation Department of the Judicial Branch in the amount of \$8,125,930. Approval of the grants agenda will increase grant funding by \$1,898,626 because actual grant funding received was more than anticipated and budgeted. Therefore per A.R.S. 42-17106(B), approve increases to the FY 2008-09 Juvenile Probation (270) Grants Fund (227) Operating (0000) revenue and expenditure appropriations of \$1,898,626. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. The indirect cost rate as of July 1, 2008 is 32.1%, as calculated by the Department of Finance. Most of the grants for FY 2008-09 do not allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the summary sheet on file in the Office of the Clerk of the Board.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy, identical in form and substance to the policy adopted by the Board of Supervisors for all County Departments, states that the Presiding Judge will make a presentation of the Judicial Branch's grants to the Board of Supervisors on an annual basis. A summary of each grant has been prepared in accordance with the provision of the policy. The total amount of Juvenile Probation Grants Fund (227) grant revenue to be received is \$18,140,205 (includes "Retained by Grantor"); the total indirect cost to be recovered is \$28,772; and the unrecoverable indirect cost is \$1,905,538. The Juvenile Probation Grants Fund (227) current revenue and expenditure appropriation is \$6,227,304. (C-27-09-003-G-00)

### **Superior Court Judges and Commissioners**

**14. APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE AND PRO TEMPORE JUSTICE OF THE PEACE**

Pursuant to A.R.S. §12-141 and §22-121, approve the appointment of Superior Court Commissioner James Rummage as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from February 25, 2009 through June 30, 2009. (C-38-09-006-9-00)

**DEPUTY COUNTY MANAGER**

**Public Health**

**15. INTERAGENCY SERVICE AGREEMENT WITH STATE OF ARIZONA DEPARTMENT OF CORRECTIONS FOR HEPATITIS PEER EDUCATION**

Approve Interagency Service Agreement (ISA) (ADC090077DC), between the State of Arizona by and through the Department of Corrections (ADOC) and Maricopa County through its Department of Public Health, HIV Prevention Program for the provision of Hepatitis Education, Prevention and Survival (HEPS). ADOC will provide a comprehensive viral hepatitis education, prevention and education (HEPS) to incarcerated adults. The term for this ISA is from October 1, 2008 through September 29, 2009 and the budget amount is \$97,855. This is the final year for this program.

Funds for this ISA are provided by the Centers for Disease Control grant and do not affect the County's general fund (C-86-09-051-3-00)

**16. AMENDMENT TO SOLE SOURCE CONTRACT WITH ARIZONA PARTNERSHIP FOR IMMUNIZATION (TAPI) FOR BILLING IMMUNIZATIONS**

Approve Amendment 1 to the Sole Source Contract between The Arizona Partnership for Immunization (TAPI) and Maricopa County through its Department of Health Services (MCDPH). This amendment makes changes to the Special Provisions and adds the attachment titled, "MCDPH Business Associate Agreement". All other terms and conditions of the original contract remain unchanged and in full force and effect. The funding period of January 1, 2009 through December 31, 2009 remains unchanged. (C-86-09-046-3-01)

**17. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR ARIZONA NUTRITION NETWORK - LOCAL INCENTIVE AWARD PROGRAM**

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) Contract No. HG861075 between Arizona Department of Health Services (ADHS) and Maricopa County by and through Department of Public Health to provide decreased funding for the Arizona Nutrition Network – Local Incentive Award program. This amendment will replace the current price sheet with a revised price sheet reflecting the decreased budget amount for \$10,531, bringing the total budget amount from \$268,822 to \$258,291. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and however, the estimated indirect expense amount is reduced from \$41,007 to \$39,400.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-026-2-02)

**18. GRANT FROM SUSAN B. KOMEN BREAST CANCER FOUNDATION FOR THE WELL WOMAN HEALTHCHECK PROGRAM**

Accept and approve grant contract and award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d/b/a the Phoenix Affiliate of Susan G. Komen for the Cure to Maricopa County through its Department of Public Health to provide the Well Woman Healthcheck Program Cycle to Care Treatment Project. Grant funding is in the amount of \$125,000 for budget term beginning April 1, 2009 through March 31, 2010.

The Department of Public Health's indirect rate is 18% for FY 2008-09. Total indirect costs are estimated at \$22,500 all of which is unrecoverable. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs.

Funding for this grant is provided by the Susan G. Komen Breast Cancer Foundation, Inc. d/b/a the Phoenix Affiliate of the Susan G. Komen for the Cure and will not affect the County general fund. (C-86-09-052-3-00)

**19. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WOMEN INFANTS AND CHILDREN PROGRAM**

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) (HG861080) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide additional grant funding for Women, Infants and Children (WIC) Nutritional services. The budget increase is in the amount not-to-exceed \$386,568, bringing the grants total not-to-exceed amount to \$10,161,930 for the budget period October 1, 2008 through September 30, 2009. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged. The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and are estimated at \$58,968.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-025-2-03)

**20. AMENDMENT TO CONTRACT WITH DELTA DENTAL OF ARIZONA FOR DENTAL INSURANCE SERVICES**

Approve Amendment No. 1 to Contract No. C-86-08-054-1, between the Delta Dental Plan of Arizona and Maricopa County through its Department of Public Health, Office of Oral Health for the provision of dental insurance services to individuals affected by HIV/AIDS. This amendment increases the budget by \$90,000 bringing the total not-to-exceed amount to \$765,000 for the budget period March 1, 2008 through February 28, 2009. This amendment also makes changes to the General Provisions. All other terms and conditions of the original contract remain unchanged and in full force and effect.

Funding for this contract is provided by a grant from the federal Department of Health and Human Services, Health Resources and Services Administration (HRSA), the Ryan White (RW) Comprehensive HIV/AIDS Treatment Modernization Acts of 2006 and the Maricopa County Workforce Management and Development Department, Ryan White Part A Program and will not affect the County general fund. Net effect to Public Health financial is zero as the transaction is offset by an allocation out entry. (C-86-08-054-1-01)

**21. AMENDMENT TO AGREEMENT WITH SALT RIVER PIMA - MARICOPA INDIAN COMMUNITY TO PROVIDE STRATEGIC NATIONAL STOCKPILE ASSETS**



Approve Amendment No. 1 to the non-financial Agreement to provide strategic national stockpile (SNS) Assets between Salt River Pima – Maricopa Indian Community (Salt River) and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM) to provide strategic national stockpile (SNS) assets to Salt River in the case of a public health emergency. This amendment makes changes to the "Recitals" of this agreement. All other terms and conditions of the original contract remain unchanged and in full force and effect. The term of this agreement, September 17, 2008 and shall be in effect until terminated by either party, remains unchanged. (C-86-09-026-3-01)

**22. IGA WITH ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS: ARIZONA DIVISION OF EMERGENCY MANAGEMENT**

Approve the Intergovernmental Agreement (IGA) with Arizona Department of Emergency and Military Affairs: Arizona Division of Emergency Management (ADEM); Preparedness Section and Maricopa County through its Department of Public Health (MCDPH) Public Health Emergency Management Program (PHEM) for training and exercise delivery. This IGA is in the amount not-to-exceed \$60,000 and will be effective upon execution by both parties until August 9, 2009.

Funding for this IGA is provided by a grant from ADHS and do not affect the county's general fund. This IGA will be absorbed within PHEM budget for the grant year ending August 9, 2009.  
(C-86-09-055-3-00)

**ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

**Animal Care & Control Services**

**23. DONATION FROM PETCO FOUNDATION**

Accept the monetary donation from PETCO Foundation of San Diego, CA in the amount of \$450 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-072-D-00)

**24. AGREEMENT WITH ARIZONA SHELTYE RESCUE, INC. FOR NEW HOPE PROGRAM**

Approve an Agreement between Bill Ferrell, d.b.a. Arizona Sheltie Rescue, Inc., 116 N. Pioneer Street, Gilbert, AZ 85233, and Maricopa County to allow Arizona Sheltie Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 33 new hope rescues over the term of the agreement, for a total of \$1,320. The term of this Agreement is from February 11, 2009 through June 30, 2012. (C-79-09-073-3-00)

**25. DONATION FROM PETSMART CHARITIES**

Accept the monetary donation from PetSmart Charities of Phoenix, AZ in the amount of \$3,198.27 for the care of the animals. Donation revenue funds are deposited into Fund (573)

as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-074-D-00)

### **Community Development**

**26. IGA FOR THE ACQUISITION, REHABILITATION AND RESALE OF ABANDONED AND FORECLOSED RESIDENTIAL PROPERTIES**

Approve an Intergovernmental Agreement (IGA) between Housing Authority of Maricopa County and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$8,700,000. This Intergovernmental Agreement is funded by a grant from the U. S. Department of Housing and Urban Development, (CFDA #14-218). The purpose of this Intergovernmental Agreement is to acquire, rehabilitate and resell abandoned and foreclosed residential properties under the Neighborhood Stabilization Program. This Intergovernmental Agreement is effective from HUD release of funds until June 30, 2013.

The IGA will provide for an initial allocation of Neighborhood Stabilization Program (NSP) funds to the Housing Authority of \$6,233,274. Program income is expected to be earned under this activity and will be returned to the Housing Authority, minus a 10% set aside for administration, for continuation of this activity. At this time, it is expected that the Housing Authority will receive \$2,466,726 in program income. With the additional program income, this will provide the Housing Authority with funding capacity of \$8,700,000 for this activity. This activity is expected to produce at least 50 houses for resale to low, moderate, and middle income households. This item was continued from the December 17, 2008 meeting. (C-17-09-048-3-00)

### **Human Services**

**27. RESOLUTION TO EXTEND SELF-INSURED TRUST COVERAGE TO HEAD START VOLUNTEERS**

Adopt a Resolution to approve extending Self Insured Trust coverage for the volunteers in the Maricopa County Head Start Zero-Five Program to be in effect upon Board approval. The County Self Insured Trust Declaration (section I.G.7), defines an "employee" covered by the Trust to include volunteers under the direction and control of County Employees if the program is authorized by Board of Supervisor resolution. (C-22-09-129-G-00)

**28. MEMORANDUM OF UNDERSTANDING WITH JOBINING.COM**

Approve the Memorandum of Understanding (MOU) between Jobing.com and Maricopa County administered by its Human Services Department, Maricopa Workforce Connections (MWC). This MOU will establish a partnership between JOBINING.Com and Maricopa County which will allow both entities to reach a wider range of job seekers and employers. This MOU is non-financial and is effective upon signature by both parties and will expire December 31, 2010. (C-22-09-130-M-00)

**29. AGREEMENT WITH ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS FOR EARLY HEAD START SERVICES IN THE BLACK CANYON SCHOOL**

Approve Agreement #J09014 between Arizona Department of Juvenile Corrections (ADJC) on behalf of Black Canyon School (BCS) and Maricopa County through the Human Services

Department, for the purpose of providing Early Head Start services to low-income pregnant female youths and parenting teens incarcerated in the BCS. This Agreement is non-financial and is effective from September 1, 2008 until June 30, 2009. (C-22-09-128-3-00)

**30. AMENDMENT TO AGREEMENT WITH ARIZONA COMMUNITY ACTION ASSOCIATION**

Approve Amendment No. 1 to the Agreement between Arizona Community Action Association (ACAA) and Maricopa County administered by its Human Services Department (C-22-09-098-3-00), in the increased amount of \$15,555 for the contract period July 1, 2008 through June 30, 2009. All other terms and conditions of the original contract remain in full force and effect. The Department of Human Services indirect rate for FY 2008-09 is 15.2%. The contract allows for indirect costs at a rate of 15.2%. Of the \$15,555 increase, sub-recipient costs in the amount of \$15,555 are not subject to indirect charges. Therefore, the estimated indirect cost is \$0.

Funds for this contract are provided by a grant from Southwest Gas Corporation and do not increase the County's general fund. (C-22-09-098-3-01)

**31. MEMORANDUM OF UNDERSTANDING WITH OPEN TABLE INCORPORATED**

Approve the Memorandum of Understanding (MOU) between Open Table Incorporated and Maricopa County administered by its Human Services Department, Workforce Development Division, to provide services to Open Table participants. The activities for this agreement will include employment training opportunities for participants. This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. There are no County General Funds associated with this MOU.  
(C-22-09-131-3-00)

**32. AMENDMENT TO IGA WITH CITY OF GOODYEAR FOR SPECIAL TRANSPORTATION SERVICES**

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) between the City of Goodyear and Maricopa County through the Human Services Department (HSD) Special Transportation Services to increase the funding for FY 2008-09 by \$55,000 for a new aggregate not-to-exceed amount of \$90,000. This amendment is effective from date of Board of Supervisors' approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs are estimated to be \$11,875 for the entire contract, all of which are recoverable. A budget appropriations adjustment is not requested at this time as these funds are included in the 2008-2009 adopted budget.  
(C-22-09-106-M-01)

**33. AMENDMENT TO IGA WITH CITY OF AVONDALE FOR SPECIAL TRANSPORTATION SERVICES**

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) between the City of Avondale and Maricopa County through the Human Services Department (HSD) Special Transportation Services to increase the funding for FY 2008-09 by \$10,000 for a new aggregate not-to-exceed amount of \$50,000. This amendment is effective from the date of Board of Supervisors approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs are estimated to be \$6,597 for the entire contract, all of which are recoverable. A Budget appropriations adjustment is not requested at this time as these funds are included in the 2008-2009 adopted budget. C-22-09-104-M-00. (C-22-09-104-M-02)

## **CHIEF FINANCIAL OFFICER**

### **Finance**

#### **34. FUNDS TRANSFERS; WARRANTS**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

#### **35. ASSISTANCE PACKAGE INTERGOVERNMENTAL AGREEMENT AND PROMISSORY NOTE FOR THE CHANDLER COUNTY ISLAND FIRE DISTRICT**

Approve the Assistance Package Intergovernmental Agreement and Promissory Note in the amount of \$35,000 for the Chandler County Island Fire District effective upon signature of the Chairman of the Board of Supervisors. Pursuant to A.R.S. §42-17106(B), transfer expenditure appropriation of \$35,000 from Non-Departmental (470) General Fund (100) General Contingency (4711) Non-recurring (0001) to a new line in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring (0001) entitled, "Chandler County Island Fire District". Promissory Note payable when the District receives its property tax revenues or establishes a line of credit, whichever occurs first.

The Chandler County Island Fire District was formed on November 18, 2008 (C-06-08-074-7-00), and is a special taxing district that will provide fire and emergency medical services to the county island residents who live within the municipal planning area of the City of Chandler. The loan will be used to pay the Chandler County Island Fire District's Insurance Premium and will be repaid by the District when it establishes a line of credit. (C-18-09-040-2-00)

#### **36. SALE OF REAL PROPERTY OF THE AVONDALE FAMILY HEALTH CLINIC TO THE CITY OF AVONDALE**

Deem as advantageous for Maricopa County to sell, and authorize and approve the sale of, approximately 450 square feet of real property (30' X 30' triangle), at the Avondale Family Health Clinic located at the northwest corner of Van Buren and Eliseo Felix Jr. Way, to the City of Avondale for the purchase price of \$8,650.00, and authorize the Chairman to execute all necessary documents approved by County Counsel for the sale of the property. The Facilities Review Committee supports the sale of the property.

On August 20, 2008, the Board of Supervisors granted a Right of Entry (C-18-09-012-8-00) to the City to begin construction of the traffic signal and negotiations for the purchase of the subject property. The City of Avondale has made a written offer to purchase the 450 square

feet for \$8,650.00. This agenda item will authorize the selling of the property for the installation and maintenance of a traffic signal at the intersection of Van Buren and Eliseo Felix Jr. Way and will authorize the Chairman to execute all necessary documents approved by County Counsel to sell the property. **THIS ITEM REQUIRES A UNANIMOUS APPROVAL OF THE BOARD OF SUPERVISORS.**

(C-18-09-043-8-00)

## **Materials Management**

### **37. SOLICITATION SERIALS**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

#### **a. 05141-RFP, BANK SERVICING AGREEMENT**

RECOMMENDATION FOR RENEWAL: 05141-RFP, Bank Servicing Agreement (\$1,000,000 estimated/one year until June 30, 2010). Renewal of contract to provide all banking services for the Maricopa County Treasurer and other agencies/departments as required under Arizona Revised Statutes. (C-73-09-053-3-00)

- **Bank Of America**

#### **b. 04161-RFP, DENTAL SERVICES PLAN ADMINISTRATION**

RECOMMENDATION FOR RENEWAL: 04161-RFP, Dental Services Plan Administration (\$22,000,000 estimate/ three years until June 30, 2012). Renewal to provide a contract for Employee Dental Benefits. This contract includes an ASO (Self-insured plan - CIGNA) and as an employee option (Delta Dental) a fully insured plan. The ASO plan includes dental claim administration and a dental network. (C-73-09-054-3-00)

- **Cigna Dental**
- **Delta Dental of Arizona**

#### **c. 04233-S, WIDE AREA NETWORK INFRASTRUCTURE SERVICE – LIBRARY DISTRICT**

RECOMMENDATION FOR RENEWAL: 04233-S, Wide Area Network Infrastructure Service – Library District (\$1,200,000 estimate/two years until February 28, 2011). Two-year price agreement renewal to provide carrier services under the E-Rate program for the Library District. (C-73-09-055-3-00)

- **Qwest Communications**

## **Parks and Recreation**

### **38. INCREASE ONE-TIME FUND USE FOR PARKS MARKETING PROGRAM**

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470) Grants Fund (249) Non-Departmental Grants (4711) Non-Recurring/Non-Project (0001) and the Parks and Recreation (300) Parks and Recreation

Enhancement Fund (241) Non-Recurring/Non-Project (0001) in the amount of \$40,000 for a marketing campaign that will help to promote the park system to the general public. This action will require an expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470) Grants Fund (249) Non-Departmental Grants (4711) Non-Recurring/Non-Project (0001) by \$40,000 and increasing the FY 2008-09 Parks and Recreation (300) Parks and Recreation Enhancement Fund (241) Non-Recurring/Non-Project (0001) by \$40,000. Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line by \$40,000. The expenditure is not from the General Fund. It is anticipated that the marketing campaign will improve attendance and concession revenues to the Parks Enhancement Fund. The net impact to the overall county budget is zero.

Parks is requesting approval from the Board to embark on a marketing campaign that will help to promote the park system to the general public. In addition, this campaign will act as an educational tool to inform the public on facilities, services and opportunities available in county parks. Methods used for the campaign will include digital billboards, banner and video ads and mass printing and distribution of the park system brochures. (C-30-09-020-2-00)

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Air Quality Department**

#### **39. ENVIRONMENTAL PROTECTION AGENCY AIR 105 GRANT FOR DUST CONTROL**

Approve the application and acceptance of grant funds from US Environmental Protection Agency (EPA), (Award # A-00905209-0), in the not-to-exceed amount of \$1,011,789 for the purpose of continuing support for activities related to the Air Quality Dust Control Program. The grant award begins on October 1, 2008 and ends on September 30, 2009. Authorize the Chairman to sign all documents related to these grant funds as applicable. The grant allows a 17.3% rate for indirect costs, or \$149,224 which may be incurred by the Air Quality Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Air Quality Department's composite indirect cost rate at 17.3%, or \$149,224. The recoverable indirect cost of administering this grant is \$149,224; the non-recoverable indirect cost is \$0. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law.

The funding agreement A-00905209-0 releases 85% of the funds. As in previous years, full funding will be released in a subsequent amendment. (C-85-09-013-G-00)

### **Emergency Management**

#### **40. COMMUNITY WILDFIRE PROTECTION PLAN GRANT**

Accept the Community Wildfire Protection Plan Grant (CWPP) for western Maricopa County from the State Forester to Maricopa County through the Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$50,000. This grant will identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatments that will protect the communities at risk within western Maricopa County. The grant award begins on December 23, 2008 and ends September 30, 2009. The grant allows for full indirect cost recovery. The recoverable indirect cost of administering this

grant is \$6,900. The Maricopa County Department of Finance has calculated the Department of Emergency Management's composite indirect cost rate at 13.80%, or \$6,900. Approve the waiver of \$6,900 in indirect cost recovery and absorb the cost in the budget. The Department plans to apply 100% of the grant to the CWWP. Approve an increase in revenue and expenditure appropriation to the Department of Emergency Management (150) Emergency Management Grant Fund (215) Non Recurring Non Project (0001) in the amount of \$50,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-15-09-013-G-00)

#### **Planning and Development**

##### **41. ADMINISTRATIVE CORRECTION RELATED TO HASSAYAMPA RANCH DEVELOPMENT AGREEMENT**

Approve an administrative correction to the action taken June 18, 2008 (C-44-08-015-0-00) regarding the Hassayampa Ranch Development Agreement with Hassayampa Ranch Ventures, LLC. The development agreement was entered into as required by stipulation "e" of the Development Master Plan case (DMP2005-007) for Hassayampa Ranch previously approved January 2, 2007. This agreement was recorded as required pursuant to A.R.S. §11-1101 under recording number 2008-0562704. This administrative correction changes the parties name from Hassayampa Ranch Ventures, LLC to Hassayampa Ranch Ventures A, B, C & D, LLC, each a Delaware limited liability company. All other terms and conditions of the development agreement remain unchanged. (Supervisorial District 4)

The original agenda item (C4408015000) listed the development agreement between Maricopa County and Hassayampa Ranch Ventures, LLC. The executed and recorded agreement lists the following parties to the agreement Hassayampa Ranch Ventures A, LLC; Hassayampa Ranch Ventures B, LLC; Hassayampa Ranch Ventures C, LLC; and Hassayampa Ranch Ventures D, LLC, respectively. This administrative correction is necessary to correct the parties names from Hassayampa Ranch Ventures, LLC to Hassayampa Ranch Ventures, A, B, C, & D, LLC.  
(C-44-08-015-0-02)

### **ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

#### **Facilities Management**

##### **42. CANCELLATION OF RETHERM FOOD DELIVERY RETROFIT PROJECT**

Approve the cancellation of the Retherm Food Delivery Retrofit Project. In accordance with A.R.S. Section 42-17106(B): Decrease the expenditure budget for the Retherm Food Delivery Retrofit (RFDR) project (Department 470, Fund 455) by a total of \$4,856,030 in Year 1 (FY 2008-09), \$10,000,000 in Year 2 (FY 2009-10) and \$4,898,900 in Year 3 (FY 2010-11) thereby reducing the total project budget from \$20,000,000 to \$245,070 which is the amount that has already been spent on the project. This action cancels the design and installation of a new retherm feeding system for the Towers, Estrella, and Durango jails. This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues. Also, per A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$925,997 from FY 2008-09 Non-Departmental (470) Detention Fund (255) Unreserved Contingency (4711) Non-recurring (0001) to a new line item in Non-Departmental (470)

Detention Fund (255) Other Programs (4712) Non-Recurring (0001) entitled "Sheriff Heat and Serve Migration." All Expenses that will be charged to the "Sheriff Heat and Serve Migration" line in Non-Departmental (470) must be approved by the Office of Management and Budget. This action will use savings from the Retherm Food Delivery Project to install a heat and serve system in the 4th Avenue, Lower Buckeye jails, Juvenile and the Tents. The system is currently used in the Towers, Estrella and Durango jails. (C-70-09-025-2-00)

**43. RESCIND PRIOR ACTION AND APPROVE AMENDMENTS TO FY2008-09 CAPITAL IMPROVEMENT PROGRAM**

1. Rescind action taken on November 18, 2008 (C-70-09-010-2-00) regarding amending the Public Works 5-YR Capital Improvement Program – Carry Over to add Morristown, Cave Creek and Hassayampa Transfer Stations.

2. Approve the following amendments in accordance with A.R.S. 42-17106(B), to the FY 2008-09 Public Works Five-Year Capital Improvement Program in the Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Fund. These adjustments result in a net impact of zero and do not change the duly adopted budget as approved by the Board of Supervisors:

a) Add a new project entitled "Hassayampa Transfer Station (HTTS)."

b) Add a new project entitled "Morristown Transfer Station (MTTS)."

c) Add a new project entitled "Cave Creek Transfer Station (CCTS)."

d) Pursuant to ARS 42-17106(B), approve the following:

3. Transfer Expenditure authority from Public Works (910) Waste Tire Fund (290) Recurring (0000) to Public Works (910) Solid Waste Fund (580) Recurring (0000) in the amount of \$255,000.

4. Approve a Fund Transfer from Public Works (910) Solid Waste Tire Fund (580) Recurring (0000) to Fund Intergovernmental Capital Projects Fund (422) Cave Creek Transfer Station (CCTS) in the amount of \$255,000 with offsetting expenditures to Eliminations Department (980) Eliminations Fund (900) Operating (0000).

e) Decrease FY 2008-09 project and project budget for the Rainbow Valley Transfer Station (RVTS) project by \$700,000 from \$975,000 to \$275,000.

f) Decrease FY 2008-09 project and project budget for the New River Transfer Station (NRTS) project by \$295,000 from \$975,000 to \$680,000.

g) Increase FY 2008-09 project and project budget for the Morristown Transfer Station (MTTS) project by \$35,000 from \$0 to \$35,000.

h) Increase FY 2008-09 project and project budget for the Hassayampa Transfer Station (HTTS) project by \$35,000 from \$0 to \$35,000.

i) Increase FY 2008-09 project and project budget for the Cave Creek Transfer Station (CCTS) project by \$1,180,000 from \$0 to \$1,180,000.

The requested action is necessary because the projects were scheduled to be completed by June 30, 2008, and were not, so funding for the Morristown and Hassayampa transfer stations needs to be carried over into FY 2008-09. The Cave Creek Transfer Station was



inadvertently left out of the FY 2008-09 budget.

Approval of this item will adjust the FY 2008-09 Intergovernmental Capital Projects Fund budget by reallocating expenditure authority from the Rainbow Valley Transfer Station to the Morristown and Hassayampa Transfer Stations and increase Fund 422 in the amount of \$255,000 in order to complete the Cave Creek Transfer Station in FY 2008-09.  
(C-70-09-010-2-02)

**Public Works**

**44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-319-7-00)

**45. IGA WITH CITY OF GOODYEAR FOR FIRE PRE-EMPTION EQUIPMENT INSTALLATION AND MAINTENANCE ON COUNTY OWNED TRAFFIC SIGNALS**

Approve the Intergovernmental Agreement (IGA) between the County of Maricopa, a body politic, acting through the Maricopa County Department of Transportation, (County) and the City of Goodyear, a municipal corporation (Goodyear) for Fire Pre-Emption Equipment Installation and Maintenance on County Owned Traffic Signals. This Agreement shall be effective as of the date it is filed with the Maricopa County Recorder and remain in full force and effect until all stipulations have been satisfied. (C-91-09-123-M-00)

**46. IGA WITH THE TOWN OF QUEEN CREEK, AND PINAL COUNTY FOR THE SCOPING/DESIGN CONCEPT REPORT OF MERIDIAN ROAD FROM EMPIRE BOULEVARD TO OCOTILLO ROAD**

Approve the Intergovernmental Agreement among Maricopa County, acting through the Maricopa County Department of Transportation (Maricopa County), the Town of Queen Creek (Town) and the County of Pinal, acting through the Pinal County Department of Public Works (Pinal County) for the scoping/design concept report (DCR) of Meridian Road from Empire Boulevard to Ocotillo Road. The estimated cost for the Partnership Support (PSUP) Project, Job Number T275, is \$1 million. The Town and Pinal County will each contribute \$200,000 towards the completion of the study. Maricopa County is responsible for 100% of remaining cost of the project. Maricopa County's total estimated contribution to this DCR is \$600,000. Any additional cost incurred by Maricopa County over and above the equivalent partner contribution shall be credited towards its share of future costs when the project proceeds to a subsequent stage of development. This IGA shall become effective on date approved by all of the Partners and shall be filed with the Maricopa and Pinal County Recorders and the Secretary of State and shall remain in full force and effect until all stipulations have been satisfied.

The purpose of this scoping/DCR is to provide the necessary information for a comparative evaluation of alternatives and ultimately a coordination document to guide design and construction of future improvements. The study is scheduled to begin in Spring 2009 and the County will act as lead agency. Any additional cost incurred by Maricopa County over and above the equivalent partner contribution shall be credited towards its share of future costs when the project proceeds to a subsequent stage of development. The Town and Pinal County will be invoiced for their established cost share upon execution of the consultant contract. (Supervisory District 1) (C-91-09-115-M-00)

**47. IGA WITH THE TOWN OF GILBERT FOR IMPROVEMENTS TO HIGLEY ROAD**

Approve the Intergovernmental Agreement between Maricopa County, acting through the Maricopa County Department of Transportation (County) and the Town of Gilbert (Town) for improvements to Higley Road from East Maricopa Floodway to 1370 ft north. The Town of Gilbert will provide 100% of the funding for the improvements to the Project and the County is responsible for providing staff support and conducting a cursory review of all plans and drawings provided by the Town. This agreement shall become effective as of the date filed with the Maricopa County Recorder and remain in full force and effect until all stipulations have been satisfied.

The purpose of this project is to widen Higley Road to accommodate six lanes (three lanes north and south bound) with a raised median. The Project will also include bridge widening and improvements across the East Maricopa Floodway and the Roosevelt Water Conservation District (RWCD) Canal. Upon completion and acceptance of the Project, Gilbert will assume all rights of ownership and responsibility for operation and maintenance and proceed with annexation of the roadway. The County will issue no-cost permits to the Town to work within unincorporated limits of the County. In addition, if requested by the Town, the County will assist with the acquisition of right-of-way within the County's jurisdiction. The County will forward any invoices to the Town for payment of any expenses that may be accrued for the acquisition of right-of-way for the Project. Construction of this Project was initiated in October 2008. Supervisory District No. 1 (C-91-09-111-M-00)

**48. CHANGE ORDER NO. 5 WITH ITS ENGINEERS AND CONSTRUCTORS, INC.**

Approve Change Order No. 5 with ITS Engineers and Constructors, Inc. (2005-089) in the amount of \$1,000,000 for a revised total contract amount of \$5,000,000. The purpose of this Change Order is to increase the contract amount by an additional \$1,000,000 and a time extension of 365 days for Signalized Intersection Improvements through April 5, 2010.

This Job Order Contract was awarded for \$3,000,000 for up to five years. In accordance with Maricopa County Procurement Code MC1-504.G, a JOC can be awarded for \$3,000,000 per year up to five years for a total sum amount of \$15,000,000. This amendment requests an increase of \$1,000,000 to the contract for a total revised not-to-exceed amount of 5,000,000. New traffic signals are needed as soon as identified for safety, mobility, and congestion mitigation in order to reduce traffic delays throughout Maricopa County. Job Order Contracting is authorized by Article 5 of the Procurement Code to enable the County to expediently complete smaller construction projects using pre-qualified contractors with structured pricing basis. The Maricopa County Department of Transportation (MCDOT) develops the scope of work and approves the contractor's cost proposal (based on a nationally recognized cost estimating system with modifications based on the contractor's fixed cost coefficient and overhead/profit percent) prior to the contractor starting work on a specific job order project. The costs will be paid by budgeted funds from the Department's Capital Improvement Program under various work order numbers. Supervisory Districts 1, 2, 3, 4 and 5  
(C-64-06-218-5-02)

**49. PURCHASE EXCESS PARCELS FROM FLOOD CONTROL DISTRICT - AVENIDA DEL SOL AND CIELO GRANDE**

Approve and authorize the Board of Supervisors to sign special warranty deeds that will convey property from the Flood Control District to Maricopa County for roadway projects for the purchase amount of \$217, 780.

Maricopa County needs property from the Flood Control District for two roadway projects. These properties, which are owned by the District, were declared excess by the Board of

Directors on November 18, 2008, (C-69-09-020-8-00) and authorized for sale to MCDOT on February 25, 2009 (C-69-09-045-8-00). Approve and sign deeds for acceptance of these properties for the roadway projects. A) Property parcel number is 201-15-214 located at 87th Avenue and Avenida del Sol has been appraised at \$69,970.00 and is 15,548 square feet. B) Parcels APN 201-15-012N, APN 201-15-012Q and APN 201-15-012S are located at 91st Avenue and Cielo Grande. Sale Price is \$147,810 for 16,500 square feet. These properties are needed for two Maricopa County Dust Mitigation (DMIT) projects, Job Number T176, Low Volume Roads Program Phase II. All properties were appraised by a certified licensed appraiser. A corresponding agenda item is listed on the Flood Control Agenda under C-69-09-045-8-00. (Supervisory District 4) (C-91-09-112-M-00)

**50. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. § 9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Cotton Lane from McDowell Road to Indian School Road, in accordance with Ordinance No. 2008-1145. (Supervisory District No. 4) (C-91-09-116-M-00)

**51. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. § 9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Camelback Road from Cotton Lane to Village Parkway, in accordance with Ordinance No 2008-1146. (Supervisory District No. 4) (C-91-09-117-M-00)

**52. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Indian School Road from Cotton Lane to Loop 303, in accordance with Ordinance No. 2008-1147. (Supervisory District No. 4) (C-91-09-127-M-00)

**53. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Cotton Lane from Indian School Road to Camelback Road, in accordance with Ordinance No. 2008-1148. (Supervisory District No. 4) (C-91-09-128-M-00)

**54. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Indian School Road from Citrus Road to Cotton Lane, in accordance with Ordinance No. 2008-1149. (Supervisory District No. 4) (C-91-09-129-M-00)

**55. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Thomas Road from Cotton Lane to Loop 303, in accordance with Ordinance No. 2008-1150. (Supervisory District No. 4) (C-91-09-124-M-00)

**56. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Citrus Road from McDowell Road to Indian School Road, in accordance with Ordinance No. 08-1136. (Supervisory District No. 4) (C-91-09-125-M-00)

**57. ROAD ABANDONMENT (ROAD FILE NO. AB-223)**

Adopt Resolution AB-223 to abandon a portion of Morning Vista Lane in the vicinity of Dixileta Drive and 56th Street, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on March 3, 1986 and recorded by the Maricopa County Recorder as Instrument Number 1986-0100024. Supervisory District No. 3 (C-91-09-126-M-00)

**58. BID AND AWARD FOR 2009 ASPHALT-RUBBER OVERLAY PROJECT - PLAN "B"**

Approve the solicitation of bids for the Maricopa County Department of Transportation's 2009 - Asphalt-Rubber Overlay Project - Plan 'B', Pavement Preservation (PAVE) Project, Job Number TT309. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent.

This project consists of overlaying the existing road surfaces with Asphalt-Rubber Concrete Pavement. An Asphalt-Rubber Overlay will prolong the life span of a road 15 to 20 years, increase the structural strength of the road to accommodate the higher traffic counts predicted for the near future, and will reduce noise emanating from the traffic on the road. The project consists of approximately 25 lane miles of various arterial roads. Supervisory Districts 2, 3, 4, and 5 (C-91-09-119-M-00)

**59. BID AND AWARD FOR SUN CITY MILL & RESURFACE PROJECT**

Approve the solicitation of bids for the Maricopa County Department of Transportation's Sun City Mill & Resurface Project, Phase 2B (MRS2B), Pavement Preservation Project, Job Number TT173. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent.

This project consists of edge-milling the existing road surfaces and replacing with new asphalt concrete pavement. The new pavement surfacing is necessary due to the deteriorating pavement on these roads and will extend the useful performance life of these roads. Resurfacing and delineating these roads will provide structurally sound, smooth-riding, and safe roadways for the traveling public. The project consists of approximately 14 lane miles of various arterial and local roads. Supervisory District No. 4 (C-91-09-118-M-00)

**60. ADJUSTMENT TO FY 2008-09 TRANSPORTATION BUDGET**

Pursuant to A.R.S. § 42-17106 (B), approve a FY 2008-09 fund transfer decrease in the amount \$7,551,475 from the Public Works Department (910) Transportation Operations Fund (232) Non-Recurring (0001) expenditures and Public Works Department (910) Transportation Capital Projects Fund (234) Non-Recurring (0001) revenues. This fund transfer reduction requires offsetting revenue and expenditure adjustments in the Eliminations Department (980) Eliminations Fund (900).

Approval of this item decreases expenditures in the Transportation Operations Fund (232) due to a decrease in the collection of the Highway User Revenue Funds (HURF) and the State Shared Vehicle License Tax (VLT) in comparison to the FY 2008-09 budget. The FY 2008-09 budget is based on Elliot Pollack's Forecast from January of 2008, which did not account for the State of Arizona shifting HURF funds to the Department of Public Safety. This action also decreases the corresponding revenue in the Transportation Capital Projects Fund (234).

It is not necessary to reduce the expenditures in the Transportation Capital Projects Fund (234) as the department is forecasted to under spend against the appropriation and has

adjusted expenditures accordingly. (C-91-09-120-2-00)

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

#### **61. REAPPOINTMENTS TO THE BUILDING CODE ADVISORY BOARD**

Pursuant to A.R.S. 11-862, reappoint Tracy Finley representing General Contractors and Arthur Luera as the Public Member Representative to the Building Code Advisory Board. The term of these appointments will be effective March 31, 2009 through March 30, 2013. (C-44-09-092-9-00)

## **SETTING OF HEARINGS**

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

### **Planning and Development**

#### **62. ZONING CASES**

Schedule Planning and Development public hearings on zoning cases and other matters for the March 18, 2009 meeting. (List is on file in the Clerk of the Board's office.) (C-44-09-096-M-00)

### **Public Works**

- 63.** Set a public hearing to declare the following roads into the county highway system for 9:00 am, Wednesday, April 1, 2009.

**a. ROAD FILE NO. 5807**

Adopt Resolution setting hearing on Road File No. 5807 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Area bordered by Olive Avenue on the South, Peoria Avenue on the North, Perryville Road on the West and Citrus Road on the East. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-122-M-00)

## **CONSENT AGENDA**

### **Clerk of the Board**

#### **64. ASRS CLAIMS**

Pursuant to A.R.S. §38-711 et., authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. Claims presented

are on file in the Clerk of the Board's Office. (C-06-09-311-7-00)

**65. ARIZONA POLLUTION CONTROL CORPORATION REVENUE REFUNDING BONDS**

Approve a Resolution approving the Proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$163,975,000 Pollution Control Revenue Refunding Bonds (Arizona Public Service Company Palo Verde Project) to be issued in one or more series. (ADM5134) (C-06-09-276-4-00)

**66. DUPLICATE WARRANTS**

Pursuant to A.R.S. §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-313-7-00)

**67. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held August 6, 2008; October 15, 2008; and December 23, 2008. (C-06-09-299-7-00)

**68. PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-314-7-00)

**69. SECURED TAX ROLL CORRECTIONS**

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-315-7-00)

**70. SETTLEMENT OF PROPERTY TAX CASES**

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated February 25, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-321-7-00)

**71. STALE DATED WARRANTS**

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-09-316-7-00)

**72. TAX ABATEMENTS**

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-317-7-00)

**BOARD OF SUPERVISORS ADDENDUM**

**County Manager**

**A-1. SETTLEMENT IN SOUTH CAMPUS GROUP HOUSING, LLC V. MARICOPA COUNTY, TX2008-000530, TX2008-000400, TX2007-000088, AND TX2007-000087**

Authorize settlement of South Campus Group Housing, LLC v. Maricopa County, TX2008-000530, TX2008-000400, TX 2007-000088 and TX2007-000087, with a stipulated judgment granting an exemption as prayed for by Plaintiff, with no award of attorney's fees to Plaintiff as addressed in Executive Session on February 23, 2009. (C-19-09-042-M-00)

**Workforce Management and Development**

**A-2. TRANSITION OF REPRESENTATION, APPOINTMENTS, AND REAPPOINTMENTS OF RYAN WHITE PART A PLANNING COUNCIL MEMBERS**

Approve the Transition of Membership Status and Reappointment of This Existing Member: The County Manager recommends the transition of the membership status of Eric Moore from Alternate to representing Service Providers, Ryan White Part C. Additionally, consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for existing Planning Council members, the County Manager recommends the reappointment of Eric Moore for a three-year term from March 1, 2009 through March 1, 2012.

**Reappointment of Existing Members:** consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for existing Planning Council members, the County Manager recommends the reappointment of Randall Furrow, representing the General Public; Larry Stähli, representing the General Public; Stephen O'Dell, representing the General Public; Debby Elliott, representing Service Providers, Care Directions; Philip Seeger as an Alternate for Debby Elliott, representing Service Providers, Care Directions; Keith Thompson, representing Service Providers, Phoenix Shanti; and Carol Williams, representing Institutional Members, Spectrum Medical Group. All reappointments are for three-year terms from February 25, 2009 through February 25, 2012.

**New Appointments:** Consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for new Planning Council members, the County Manager recommends the appointment of Jonathan Harris (representing General Public) and Dr. Jennifer Lewis (representing Service Providers, representing Southwest Center for HIV) to the Planning Council as full members for three-year terms, from February 25, 2009 through February 25, 2012.

Additionally, the County Manager recommends the appointment of the following individuals as Alternates for existing members: Susan Smola as an Alternate for Cheri Tomlinson, Service Provider, Ryan White Part D, for the remainder of Cheri's membership term, which expires on February 28, 2010; and Yvette Madero as an Alternate for Maclovía Morales, Service Provider, Chicanos por la Causa, for the remainder of Maclovía's term which expires on February 28, 2010.

The Membership Committee of the Ryan White Planning Council has confirmed that the individuals listed above represent membership categories consistent with the Bylaws and federally mandated membership requirements. As provided in the process approved by the

Board of Supervisors, there is no pre-screening undertaken for any individuals recommended for reappointment or who had previously served in an Alternate capacity.

#### **Transition of Representation and Reappointment**

- Transition the membership status of Eric Moore, current Alternate for Cheri Tomlinson, representing Service Providers, Ryan White Part D to full Planning Council member representing Service Providers, Ryan White Part C.
- Additionally, reappoint Eric Moore, representing Service Providers, Ryan White Part C, for a three-year term from the date of the BOS meeting at which the reappointment is approved.

#### **Reappointments**

- Reappoint Randall Furrow, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Larry Stähli, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Stephen O'Dell, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Debby Elliott, representing Service Providers, Care Directions for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Philip Seeger as an Alternate for Debby Elliott, representing Service Providers, Care Directions for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Keith Thompson, representing Service Providers, Phoenix Shanti for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Carol Williams, representing Institutional Members, Spectrum Medical Group for a three-year term from the date of the BOS meeting at which the reappointment is approved.

#### **New Appointments:**

- Appoint Jonathan Harris, representing the General Public to the Ryan White Planning Council, for a three-year term from the date of the BOS meeting at which the appointment is approved.
- Appoint Dr. Jennifer Lewis, representing Service Providers, Southwest Center for HIV to the Ryan White Planning Council, for a three-year term from the date of the BOS meeting at which the appointment is approved.
- Appoint Susan Smola for appointment to the Planning Council as an Alternate for Cheri Tomlinson, Service Provider, Ryan White Part D, for the remainder of Cheri's membership term, which expires on February 28, 2010.
- Appoint Yvette Madero for appointment to the Planning Council as an Alternate for Maclovía Morales, Service Provider, Chicanos por la Causa, for the remainder of Maclovía's term, which expires on February 28, 2010. (C-31-09-010-9-00)

#### **Materials Management**



**A-3. SPECIALTY LEGAL SERVICES PROVIDERS – BOARD OF SUPERVISORS**

Approve the following solicitation serial item(s). Serial: 06080-ROQ

Item: Specialty Legal Services Providers – Board of Supervisors (N/A Contract value remains constant. estimate / UNTIL FEBRUARY 28, 2010) Recommendation for subsequent contract awards through the current contract period (thru 2/28/2010) for specialty legal services providers for the Maricopa County Board of Supervisors. (C-73-09-057-7-00)

Law Office of Ralph Adams  
Ballard, Spahr, Andrews & Ingersoll  
Engelman Berger, PC  
Law Office of Karen Clark  
Kirsch-Goodwin & Kirsch, PLLC  
Moyes, Sellers & Sims LTD  
Sachs Tierney PA  
Law Office of Rene Williams

**Planning and Development**

**A-4. LIFT SUSPENSION OF ISSUANCE OF BUILDING PERMITS**

Lift the temporary suspension of the issuance of building permits in the "Clear Zone", "APZ 1", "APZ 2", and the "80-85 LDN Noise Contour" adjacent to Luke Air Force Base, Auxiliary Field One, and Auxiliary Field Two that was enacted on August 20, 2008 (C-06-09-068-M-00). Maricopa County will issue only these permits that comply with A.R.S. §28-8481(J). This action will allow for compliance with Arizona State Statute. This matter was discussed in Executive Session on February 18, 2009. (C-06-09-068-M-01)

**IMPROVEMENT DISTRICT AGENDA**

**I-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Improvement District Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-300-7-00)

**FLOOD CONTROL DISTRICT AGENDA**

**F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-318-7-00)

**F-2. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-301-7-00)

**F-3. AMENDMENT TO IGA WITH UNITED STATES GEOLOGICAL SURVEY FOR DATA COLLECTION ON WATERSHEDS**

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) 09W4AZ00300 between the United States Geological Survey (USGS) and the Flood Control District of Maricopa County (District) ; FCD 2008A012A, for Data Collection on Watersheds covering the period October 1, 2008 to September 30, 2009. This Amendment is to add a work task and approve additional costs. The total cost of the amended IGA is \$372,600. The District costs under this Agreement will be \$236,300, with the USGS contributing the remaining \$136,300. Payments are to be made quarterly.

The USGS is the recognized authority for water resource data collection and analysis, which provides unbiased hydrologic data necessary for the District and the engineering community to design flood control and drainage structures. The information generated by the USGS's ongoing work is vital to the safety of Maricopa County residents, and to the continuing hydrologic studies performed by the District. This Amendment is for an additional cost to add a work task that includes: 1. Determine flood-frequency relations at gaged sites in watersheds that affect Maricopa County. 2. Develop methods for estimating flood-frequency relations at ungaged sites for rural natural-flow areas and urban areas. 3. Develop an automated program (StreamStats) to apply the methods for estimating flood-frequency relations at ungaged sites. This item impacts all Supervisor Districts 1, 2, 3, 4, and 5 (C-69-09-017-9-01)

**F-4. RESOLUTION FOR NORTHERN AVENUE STORM DRAIN - 47TH AVENUE TO 63RD AVENUE**

Adopt Resolution FCD 2008R020 for Northern Avenue Storm Drain from 47th Avenue to 63rd Avenue (Project) authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGAs) with the City of Glendale and others as necessary for the project and authorizes funding to be included in the District's future five-year Capital Improvement Program (CIP). This item impacts Supervisor District 4. (C-69-09-046-6-00)

**F-5. RESOLUTION FOR POWERLINE, VINEYARD ROAD AND RITTENHOUSE FLOOD RETARDING STRUCTURES REHABILITATION OR REPLACEMENT PROJECT**

Adopt Resolution FCD 2008R019 for Powerline, Vineyard Road, and Rittenhouse Flood Retarding Structures (FRS) Rehabilitation or Replacement Project (Project) authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGAs) with Project participants as necessary for cost sharing, planning, design, construction, construction management, and operation and maintenance.

Three dams provide significant flood control and erosion protection of public infrastructure, residential, commercial and agricultural land within Maricopa and Pinal Counties. The District has identified a need to fully rehabilitate or replace these dams. This item impacts Supervisor District 1. (C-69-09-047-6-00)

**F-6. RESOLUTION FOR UPPER CAMELBACK WASH DRAINAGE IMPROVEMENT**

Adopt Resolution FCD 2009R001 for Upper Camelback Wash Drainage Improvement Project (Project) authorizing the Chief Engineer and General Manager of the Flood Control

District of Maricopa County (District) to negotiate and prepare Intergovernmental Agreements (IGAs) with Project participants for rights-of-way acquisition, design, construction, and construction management; operation and maintenance; to obtain the necessary rights of entry, property and/or easements for the improvement project; and funding to be included in the District's future five-year Capital Improvement Program (CIP).

These improvements will mitigate flooding hazards in the Upper Camelback Wash watershed. The proposed project will increase the existing system's capacity and level of protection for this watershed. This item impacts Supervisor District 2. (C-69-09-048-6-00)

**F-7. SELL EXCESS PARCELS TO MCDOT - AVENIDA DEL SOL & CIELO GRANDE**

Approve and authorize the Board of Directors of the Flood Control District of Maricopa County (District) to sign the Special Warranty Deeds to convey two (2) properties from the District to Maricopa County Department of Transportation (MCDOT) for roadway projects in the total amount of \$217,780.

These property sales were declared excess by the Board of Directors on November 18, 2008 (C-69-09-020-8-00). A) Excess parcel APN 201-15-214 located at 87th Avenue and Avenida del Sol, sale price is \$69,970.00 for 15,548 square feet. B) Parcels APN 201-15-012N, APN 201-15-012Q and APN 201-15-012S located between 91st Avenue and Cielo Grande, sale price is \$147,810 for 16,500 square feet. These properties are needed for a MCDOT roadway widening project. All properties have been appraised at fair market value. A corresponding agenda item is listed on the Board of Supervisors' Agenda under C-91-09-112-M-00. (Supervisory District 4) (C-69-09-045-8-00)

**FLOOD CONTROL DISTRICT ADDENDUM**

**FA-1. SETTLEMENT OFFER REJECTION & CROSS APPEAL RE: HERBERT E. DREISESZUN ET AL V. VULCAN MATERIALS COMPANY, CALMAT COMPANY, FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, CV2002-014968**

Authorize counsel to reject settlement offer in Herbert E. Dreiseszun et al v. Vulcan Materials Company, Calmat Company, Flood Control District of Maricopa County, CV2002-014968, as discussed in Executive Session on February 23, 2009.

Further, authorize counsel to file a cross appeal in Herbert E. Dreiseszun et al v. Vulcan Materials Company, Calmat Company, Flood Control District of Maricopa County, CV2002-014968, as discussed in Executive Session on February 23, 2009. (C-19-09-043-M-00)

**LIBRARY DISTRICT AGENDA**

**L-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-302-7-00)

**L-2. SOLE SOURCE CONTRACT WITH POLARIS LIBRARY SYSTEMS**

Approve a Sole Source Contract with Polaris Library Systems for the purchase of library management system hardware, software and ongoing maintenance. The term of this contract is for five years beginning the 1st day of April, 2009 and ending the 31st day of March 2014. Sole Source is estimated at \$1,500,000 over the five-year term.

Polaris runs the Library District's cataloging system. This sole source procurement was publicly advertised from September 11, 2008 through September 26, 2008, and was conducted in accordance with the Maricopa County Procurement Code and the County's Sole Source Procedure. In addition, this procurement was reviewed and approved by OMB and OET in October 2008 (C-65-09-008-3-00)

## **STADIUM DISTRICT AGENDA**

### **S-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-303-7-00)

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

73. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)
74. Supervisors'/County Manager's summary of current events.

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

## **CODE ENFORCEMENT REVIEW**

### **PZ-1. BUTTERNUT TRUST NO. 9707**

This is the time for the review of the Hearing Officer's Judgment in Zoning Code Violation Case No. V200801189, Butternut Trust No. 9707. (Supervisor District 2)

This item appeared on the January 28, 2009 agenda where the Board upheld the Hearing Officer's Judgment and denied the appeal by a vote of 4-0. Staff cannot confirm proper notification and has therefore placed this item on this agenda to be revisited by the Board. (C-44-09-094-M-00)

### **PZ-2. GUSTAVO AND ROSALINDA GARCIA - V200700808**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200700808. (Supervisor District 3)

This item appeared on the January 28, 2009 agenda where the Board upheld the Hearing

Officer's Judgment and denied the appeal by a vote of 4-0. Staff cannot confirm proper notification and has therefore placed this item on this agenda to be revisited by the Board. (C-44-09-095-M-00)

**PZ-3. RICHIE - V200701845**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200701845, Richie (Supervisor District 4) (C-44-09-099-M-00)

**PZ-4. SELLS/WITT - V200700872**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200800872, Sells/Witt. (Supervisor District 3) (C-44-09-098-M-00)

\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\*

**PLANNING AND ZONING AGENDA**

**REGULAR AGENDA**

**1. SPECIAL USE PERMIT - ARIZONA OLYMPIAN GYMNASTICS**

Case Number:	Z2007003
Supervisory District:	1
Applicant:	Beus Gilbert, PLLC for Lyle Guthrie
Location:	West of Gilbert Road and north of Brooks Farm Road (in the Chandler area)
Request:	Special Use Permit (SUP) with 24-hour emergency vesting for the Arizona Olympian Gymnastics Facility in the Rural-43 zoning district (approx. 2.38 ac.)
Commission Action:	Unknown – scheduled for action by the Commission on 02/12/2009 with staff recommendation for an indefinite continuance because sign-offs are now outstanding from Drainage Review and Environmental Services.

January 15, 2009: The Commission recommended approval of the Special Use Request (SUP). The applicant requested emergency vesting; a copy of the letter of request is attached. The SUP was double advertised and was placed on the BOS agenda for January 28, 2009.

January 21, 2009: Staff became aware of an error in the public notice for the January 15, 2009 hearing. This error requires this case to be re-advertised and a new hearing was scheduled for February 12, 2009.

January 28, 2009: The Board of Supervisors by a vote of 4-0 continued the hearing to February 25, 2009.

The minutes of the February 12, 2009 P&Z Commission hearing are not available at this time.

At this time, sign-off is outstanding from Drainage Review and Environmental Services. The site plan has been more thoroughly vetted since this case was previously presented to the Commission and staff does not believe construction plans can be approved with the proposed design. Therefore, the case should be continued until all agencies have signed-off

on a revised site plan. (C-44-09-097-7-00)